

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

PUTZMEISTER AMERICA, INC.,

Plaintiff-Counterclaim Defendant,

v.

Case No. 21-CV-356

POMPACTION INC.,

Defendant-Counterclaim Plaintiff.

**STIPULATION FOR EXTENSION OF DEADLINE FOR PLAINTIFF TO PROVIDE A
RESPONSIVE EXPERT REPORT**

WHEREAS, the Scheduling Order [Dkt. 52] currently provides that Putzmeister's Expert Report in response to Counterclaimant's expert damages report is due by June 19, 2023;

WHEREAS, the Pompacktion requested and noticed depositions of Pompacktion's expert witness, a Pompacktion corporate designate, Francis Gagnier, Veronique Hardy, and Marc-Andre Vallee for May, 2023; and,

WHEREAS, Pompacktion's expert witness is not available to be deposed until June 19, 2023 or later; and,

WHEREAS, the parties are engaged in settlement discussions that may obviate further litigation;

NOW THEREFORE the parties stipulate that:

1. The parties shall mutually agree on dates for the depositions of Francis Gagnier, a Pompacktion corporate designate, Veronique Hardy, and Marc-Andre Vallee, to be followed by the deposition of Tracey L. Coenen, before July 17, 2023;

2. Putzmeister will request expedited delivery of the transcript of the last such deposition;

3. Putzmeister's response report shall be due fourteen days after the later of i) expiration of the time for reading and signing the last such transcript received; or ii) receipt of the signed and/or corrected transcript from the last such transcript received.

4. All other provisions of the Scheduling Order remain unchanged at this time. However, if delays in the deposition transcripts result in fewer than 45 days between the deadline for Putzmeister's rebuttal expert report and the close of all discovery, the parties will confer to discuss whether any further modifications are necessary.

WHEREFORE, the parties jointly request that the Scheduling Order be modified to reflect these stipulations.

Dated this 2nd day of June 2023.

By: s/ Mark F. Foley

Mark F. Foley (SBN 1005627)
Email: Mark.Foley@vonbriesen.com
Phone: (414) 287-1404
Fax: (414) 238-6520
von BRIESEN & ROPER, s.c.
411 East Wisconsin Avenue
Suite 1000
Milwaukee, WI 53202

*Attorneys for Plaintiff Putzmeister
America, Inc.*

By: s/Christa D. Wittenberg

Joseph D. Newbold, SBN 1085294
Christa Wittenberg, SBN: 1096703
Joe.Newbold@wilaw.com
Christa.Wittenberg@wilaw.com
O' NEIL CANNON HOLLMAN
DEJONG & LAING, S.C.
111 East Wisconsin Avenue
Suite 1400
Milwaukee, WI 53202
Telephone:(414) 276-5000

Attorneys for Defendant Pompacktion Inc.